

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Plaintiff,

Case No. 5: 18-cv-00214- JLS

-v-

EQUIFAX, INC, et al.,

Defendants.

PLAINTIFF'S MEMORANDUM IN RESPONSE TO DEFENDANT'S
MOTION TO DISMISS FOR INSUFFICIENT SERVICE OF PROCESS

Plaintiff asks the court to deny Defendant's Motion to Dismiss for insufficient service of process concerning defendant Smith.

A. Introduction

1. Plaintiff is Edward Thomas Kennedy, one of the people of Pennsylvania, and in this court of record, objects to defendant Equifax, Inc. and Richard F. Smith's motion to dismiss for insufficient service of process.

2. Defendant filed a motion to dismiss and asked the court to dismiss plaintiff's suit for insufficient service of process on Richard F. Smith, in his official and individual capacities.

Take judicial cognizance

3. The foundation of law United States District Court is the Judiciary Act of 1789 which states a suit cannot be dismissed because of errors in service.

4. Plaintiff believes there was no error in service for Defendant Smith by the United States Department of Justice Marshal Service and its US Marshal.

5. Plaintiff finds no evidence in law, tradition, the law of this case, or procedure rules to support the opinion of any error in service of process.

6. Declarant Jessica Spurlock has no authority in this case to make legal determinations or legal conclusions, and she is not a party to this case, and she violates Equifax Inc.'s intent to comply with the spirit if the law.

7. The signed Declaration by Jessica Spurlock is not an Affidavit and was not sworn or affirmed in front of a notary, and thus is not admissible as evidence in this court of record.

LAW OF THE CASE

8. Exhibit "1" is attached and is incorporated by reference as though fully stated herein. The date of the claim is the date of the hearing Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law.

9. Plaintiff files this response asking the court to deny defendant's motion to dismiss for insufficient service of process concerning Smith.

B. Argument

10. When considering defendant's motion, the court must construe the factual allegations in the complaint in the light most favorable to plaintiff.

11. Defendant Equifax, Inc. publishes a 34 page Code of Ethics Policy¹ on its website signed by current chief executive officer Mark W. Begor, and this policy strongly suggests and probably mandates that Defendant Smith was served given Equifax, Inc. promise and/or contract to uphold the letter and spirit of the law.

12. Equifax states, " Equifax is committed to act with integrity in all that we do. We adhere to the highest levels of ethical business practices,² as embodied by the Codes of Ethics and Business Conduct for our directors, officers and employees."

13. Playing games with service of process lacks integrity and/or does not adhere to the highest levels of ethical practices and/or does not comply with "spirit of the law."

14. Take Judicial Notice

Modern Attorney Evans and attorneys at his law firm took oaths not to lie, not to misconstrue, not to mislead, misrepresent and/or put false information into this court, a court of record or any court.

C. Conclusion

15. Because this court of record has federal question jurisdiction, the court

¹ Page 4, our commitment to Ethics and Compliance, Page 26, Following the letter and spirit of the law, Page 28, Antitrust.

link at https://www.equifax.com/assets/corp/code_of_ethics.pdf

² Notice: Probable SEC 10-k violations, Material Omissions, Duty to Disclose All Material Information – Rule 12b-20 of the Securities Exchange Act of 1934 (the "Exchange Act") requires that companies must, in addition to providing the information expressly required in a report or other statement to the Securities and Exchange Commission ("SEC"), include... etc.

should deny this defendant's motion to dismiss and retain the case on the court's docket.

16. In the alternative, if the court determines that plaintiff has failed service of process to defendant Smith, plaintiff asks the court to grant leave to amend the complaint.

Date: August 20, 2018.

/s/ Edward Thomas Kennedy (SEAL)

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2018, by ECF, I filed the foregoing

PLAINTIFF'S MEMORANDUM IN RESPONSE TO DEFENDANT'S
MOTION TO DISMISS FOR INSUFFICIENT SERVICE OF PROCESS,
and Exhibit 1 Law of the Case

on the following Modern Attorney in charge for the Defendants listed heretofore by

ECF and email:

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/s/ Edward Thomas Kennedy (SEAL)

Edward Thomas Kennedy